IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 148 (SS) of 2007

Naseem Akhtar,
Son of Sri Mohammad Shafee,
R/o House No. 253/7 (I)
Emali road,
Roorkee,
Tehsil – Roorkee,
District Hardwar. **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Primary Education, Dehradun.
2. Director, Primary Education, State of Uttarakhand, Dehradun.
3. District Education Officer, (Basic) Hardwar, District – Hardwar.
4. Additional District Education Officer (Basic) Hardwar, District – Hardwar.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Lok Pal Singh, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for the parties are agree to decide the present writ petition as its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider the promotion of petitioner on the post of Assistant Teacher in Junior High School as Juniors to the petitioner have been promoted in Juniior High Schools.*

2. *issue any other relief, which this Hon'ble court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.*

3. *cost of the petition be awarded in favour of the petitioner.*

The stand of the petitioner is that petitioner was appointed as Assistant Teacher (Urdu) in Primary School vide order dated 12.12.1994. Since then he is discharging his duties to the satisfaction of the superior.

The Submission of the petitioner is that persons appointed along with petitioner and even there after have already been promoted on the post of Assistant Teacher in Junior High Schools. Aggrieved with the action of respondents by not promoting the petitioner though juniors to the petitioner have already been promoted as Assistant Teacher in Junior High School, the petitioner made a representation dated 02.08.2006 with a request to respondents that he is eligible for promotion to the post of Assistant Teacher in Junior High School and similarity situated persons have already promoted, as such, his case may be also be considered for promotion to the post of Assistant Teacher in Junior High School. However, the said representation is still pending with the respondent, no action has been taken by the respondents.

During the course of argument, learned counsel for the petitioner has confined his prayer that writ petition may be disposed of with a direction to respondent no. 4 to take decision on the representation of the petitioner dated 02.08.2006.

The prayer is innocuous. Accordingly, I direct the respondent no. 4 to take decision on the representation of the

petitioner dated 02.08.2006 annexed as Annexure no. 4 to the writ petition within a period of three weeks from the date of production of the certified copy of this order and in case, petitioner is eligible to be promoted on the post of Assistant Teacher in Junior High School and juniors to him have already been promoted the case of the petitioner may also be considered for promotion.

With this direction, the writ petition as well as interim relief application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 9, 2007
SkSharma